CCRB INVESTIGATIVE RECOMMENDATION

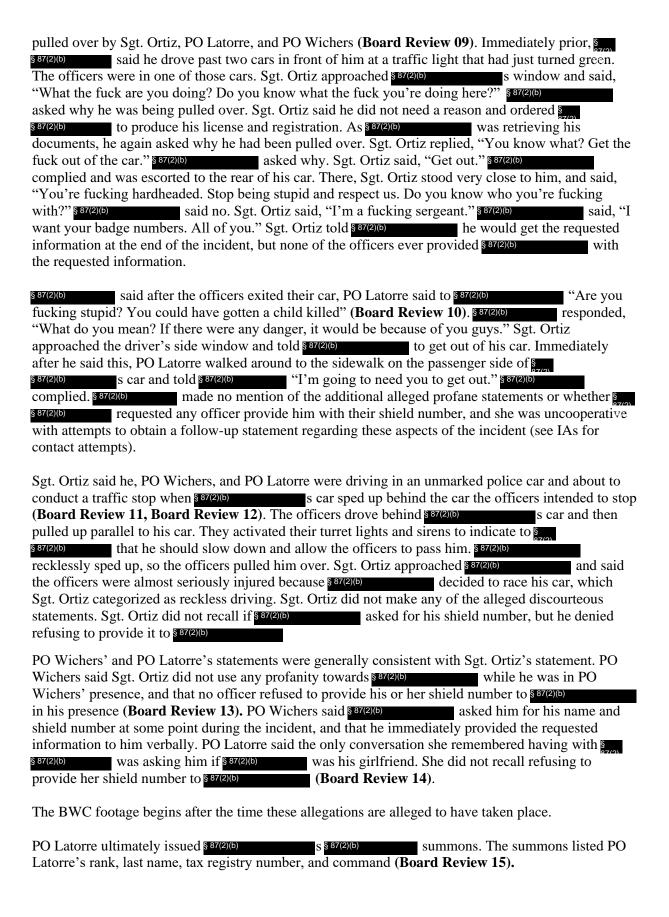
Investigator:		Team:	CCRB Case #:	To	Force	<u> </u>	Discourt.	U.S.
Madeleine Ayer		Squad #13	201904964	1	Abuse	<u> </u>	O.L.	☐ Injury
·		-						
Incident Date(s)		Location of Incident:		F	recinct:		Mo. SOL	EO SOL
Friday, 06/07/2019 10:45 PM		1882 Crotona Avenue			48	12	2/7/2020	7/24/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	d:			eived at CC	RB
Fri, 06/07/2019 11:46 PM		CCRB	On-line website		Fri, 06/07	/2019	11:46 PM	
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	ess					_
Subject Officer(s)	Shield	TaxID	Command					
1. POF Tatiana Latorre	25614	950729	048 PCT					
2. POM Robert Wichers	16306	958169	048 PCT					
3. SGT Bryan Ortiz	03482	945272	048 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Michael Arini	08535	963379	048 PCT					
Officer(s)	Allegatio	on			Inve	estiga	tor Reco	nmendation
A.SGT Bryan Ortiz	Discourte § 87(2)(b)	esy: Sergeant Bryan Ort	tiz spoke discourteo	usly	to			
B.SGT Bryan Ortiz	Abuse: S § 87(2)(b)	ergeant Bryan Ortiz ref	fused to provide his	name	e to			
C.POM Robert Wichers		olice Officer Robert Wi Imber to ^{§ 87(2)(b)}	ichers refused to pro	ovide	his			
D.POF Tatiana Latorre		olice Officer Tatiana La Imber to § 87(2)(b)	atorre refused to pro	ovide	her			
E.SGT Bryan Ortiz	Abuse: S	ergeant Bryan Ortiz fris	sked § 87(2)(b)					
F.POF Tatiana Latorre	Abuse: P	olice Officer Tatiana Lass bag.	atorre searched \$ 87(2)	2)				
G.POF Tatiana Latorre	Abuse: P	olice Officer Tatiana La	atorre frisked (b)					
H.POF Tatiana Latorre	Off. Lang to § 87(2)(b)	guage: Police Officer Table based upon the	atiana Latorre made ne gender of § 87(2)(b)	rem	arks			
I.POF Tatiana Latorre	Abuse: P	olice Officer Tatiana La 87(2)(b)	atorre refused to pro	ovide	her			
J.POF Tatiana Latorre		olice Officer Tatiana La mber to ^{§ 87(2)(b)}	atorre refused to pro	ovide	her			
K.SGT Bryan Ortiz	Abuse: S § 87(2)(b)	ergeant Bryan Ortiz sea and ^{§ 87(2)(b)}	were oc					
						_		

Officer(s)	Allegation	Investigator Recommendation
M.POM Robert Wichers	Abuse: Police Officer Robert Wichers refused to provide his name to § 87(2)(b)	
N.POM Robert Wichers	Abuse: Police Officer Robert Wichers refused to provide his shield number to §87(2)(b)	
O.POM Robert Wichers	Abuse: Police Officer Robert Wichers interfered with s use of a recording device.	
P.SGT Bryan Ortiz	Abuse: Sergeant Bryan Ortiz refused to provide his name to	
Q.SGT Bryan Ortiz	Abuse: Sergeant Bryan Ortiz refused to provide his shield number to \$87(2)(b)	
R.SGT Bryan Ortiz	Abuse: Sergeant Bryan Ortiz interfered with s use of a recording device.	
S.SGT Bryan Ortiz	Abuse: Sergeant Bryan Ortiz threatened to arrest [87(2)	
T.SGT Bryan Ortiz	Discourtesy: Sergeant Bryan Ortiz acted discourteously toward 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

Case Summary	
On June 7, 2019, \$87(2)(b) filed this complaint on the CCRB's website on behalf of herself and her boyfriend, \$87(2)(b)	l
On June 7, 2019, at approximately 10:45 p.m., Sergeant Bryan Ortiz, Police Officer Tatiana Latorre, and Police Officer Robert Wichers, all of the 48th Precinct, stopped the vehicle in which \$5020 and \$50200 were occupants in front of 1882 Crotona Avenue in the Bronx for reckless driving. Sgt. Ortiz spoke discourteously to \$50200 (Allegation A – Discourtesy: Word, \$50200 Sgt. Ortiz, PO Wichers, and PO Latorre refused to provide their shield number; \$50200 Sgt. Ortiz frisked \$50200 (Allegation E – Abuse of Authority: Refusals to Provide Shield Number, \$50200 Sgt. Ortiz frisked \$50200 Shield Number, \$50200 Sgt. Ortiz frisked \$50200 Sgt.	de::
received a summons for \$87(2)(b) as a result of this incident. [\$87(2)(b)] [\$886(1)] as a result of this incident.	
PO Latorre's, Sgt. Ortiz's, and PO Wichers' BWC cameras captured this incident. The BWC footage attached to IAs #42-44 (Board Reviews 01-03) and summarized in IA #65, IA #77, and IA #78 (Board Reviews 04-06). Surveillance cameras from Abraham Plaza Apartments, located at 1870 Crotona Avenue, also captured this incident. This footage is attached to IA #67 (Board Review 07) and summarized in IA #81 (Board Review 08).	is
Findings and Recommendations Allegation A) – Discourtesy: Sergeant Bryan Ortiz spoke discourteously to 887(2)(b)	
Allegation (B) – Abuse of Authority: Sergeant Bryan Ortiz refused to provide his shield number	r
Allegation (C) – Abuse of Authority: Police Officer Robert Wichers refused to provide his shield	
number to § 87(2)(b)	
Allegation (D) – Abuse of Authority: Police Officer Tatiana Latorre refused to provide her shiel number to \$87(2)(b)	<u>ld</u>
said he was driving his car on Crotona Avenue with \$87(2)(b) when his car w	as

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anyone who requests such information. NYPD Patrol Guide, Section 203-09 (Board Review 16). § 87(2)(g) Allegation (E) – Abuse of Authority: Sergeant Bryan Ortiz frisked 887(2)(b) testified that at the rear of the car, Sgt. Ortiz ordered him to turn around. asked why and Sgt. Ortiz said, "Turn around, I'm arresting you," (Later in his CCRB) interview, \$87(2)(b) said he was not sure if Sgt. Ortiz used the word "arrest.") asked why once more but ultimately complied. Sgt. Ortiz handcuffed him. remained at the rear of his car. He did not allege that any officer frisked him. s mother, provided a phone statement (**Board Review 17**). She said she received a call from § 87(2)(b) who said she and § 87(2)(b) had been pulled even though he had done nothing over and that the officers were going to arrest §87(2)(b) asked to speak with an officer, so \$87(2)(6) put her on the phone with Sgt. Ortiz. She asked Sgt. Ortiz what happened. Sgt. Ortiz said that § 87(2)(b) was being disrespectful. \$87(2)(b) said, "Yeah, he's I get it." \$87(2)(b) asked Sgt. Ortiz why he was going to arrest her son. Sgt. Ortiz said he was not; he was going to issue him a summons for reckless driving. Sgt. Ortiz testified that at this point in the encounter, he intended to arrest § 87(2)(b) reckless driving and reckless endangerment. In order to make sure §87(2)(b) did not have any weapons on him prior to transporting him to the stationhouse, Sgt. Ortiz had him exit his car and frisked him for safety purposes. Sgt. Ortiz additionally thought \$87(2)(b) could be armed, because he had been driving recklessly, because §87(2)(b) interrupted the conversation Sgt. Ortiz was having with § 87(2)(b) and was disorderly and argumentative, and because the incident location was shooting-prone. He did not immediately handcuff § 87(2)(b) because § did not pose an immediate threat to the officers. Later in the encounter, Sgt. Ortiz spoke with § 87(2)(b) on the phone and learned that § 87(2)(b) was having difficulties at home. After learning this information, Sgt. Ortiz used his discretion and decided to issue a summons instead of arresting him. PO Latorre said Sgt. Ortiz spoke to § 87(2)(b) s mother, who explained to him that her son had been dealing with domestic violence issues at home. Sgt. Ortiz then decided to give \$37(2)01 a break by issuing him a summons rather than arresting him.

Members of service must clearly state their name and shield number, or otherwise provide them, to

The BWC footage begins after the time this allegation is alleged to have taken place and ends as Sgt.

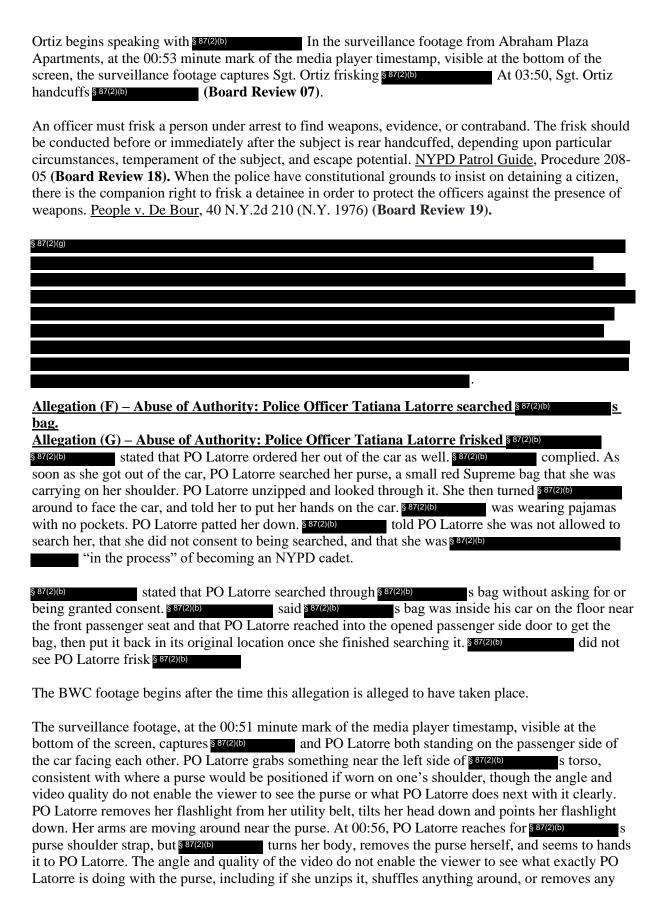
CCRB Case # 201904964

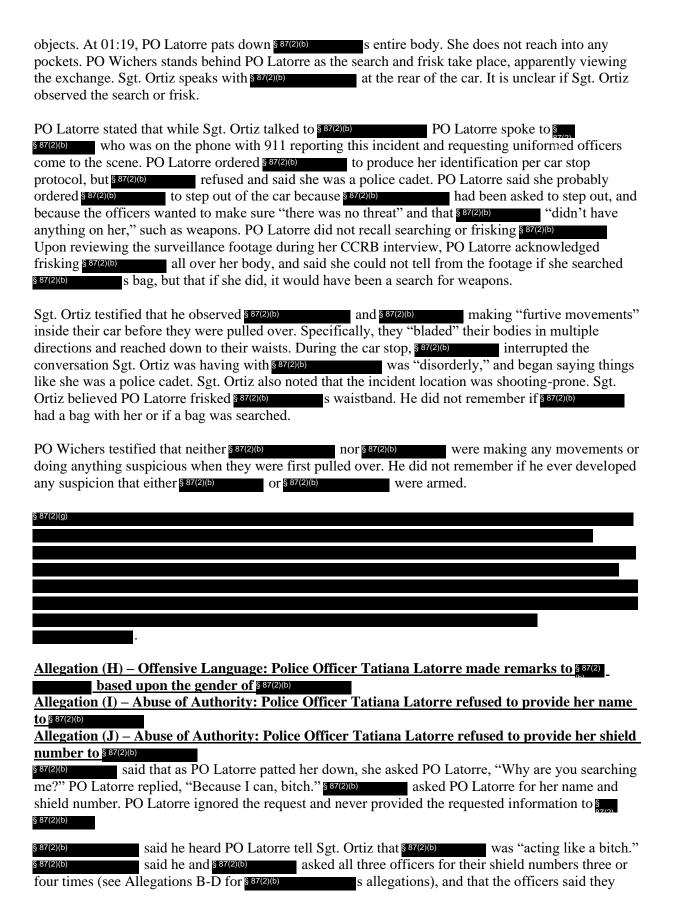
He did not remember why the officers collectively decided not to

PO Wichers said he did not remember if Sgt. Ortiz or PO Latorre suggested to him that they were

going to arrest § 87(2)(b)

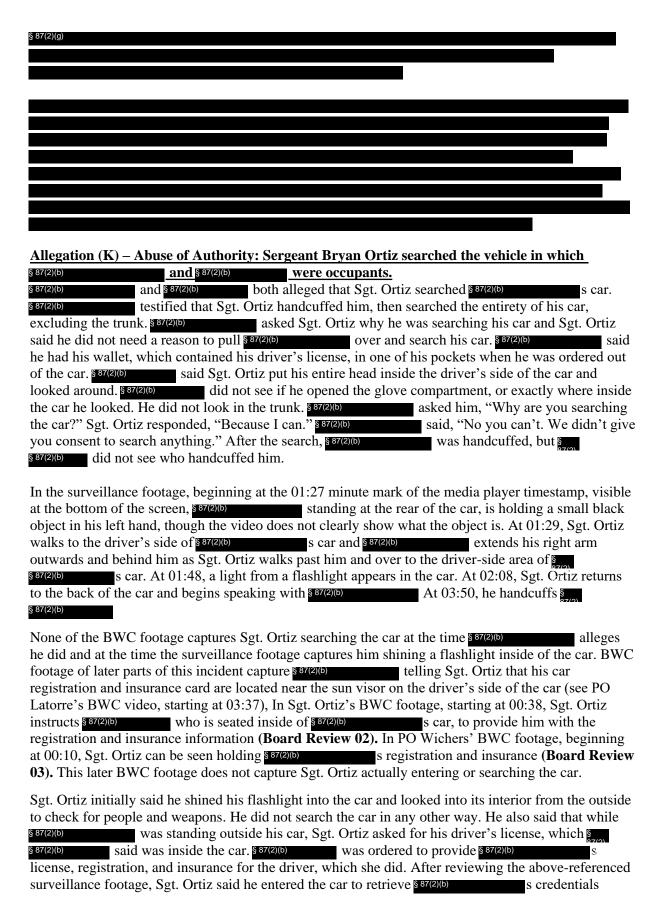
arrest § 87(2)(b)



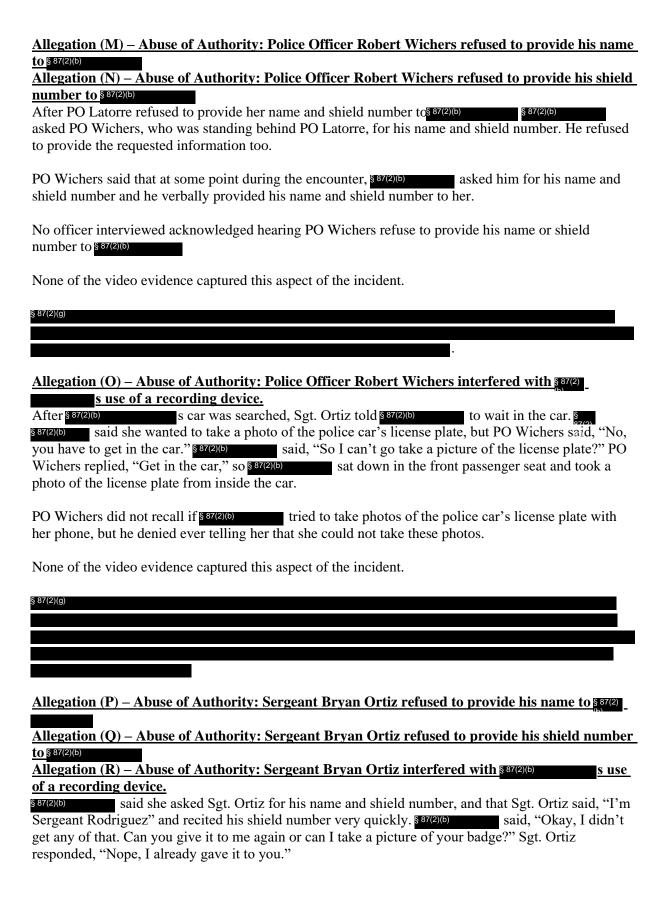


would provide them but never did.

s car. At the 00:30 minute mark of the media player timestamp, visible at the bottom of the screen, says, "I asked for it. I have the right to ask for it." PO Latorre says, "I said I'd give it to you. I don't understand why we're going back and forth." says, "You didn't give it to me." PO Latorre says, "I did. I was going to." At 00:42, PO Latorre says, "You want to be nasty, be nasty. However, I'm not done talking to you." says, "You called me a bitch. You're not supposed to do that." PO Latorre says, "Alright, do you want to talk or not?" speaks into her phone. At 00:57, PO Latorre says, "You should know better. You're a cadet." says, "I know, and I do know better." At 02:47, PO Latorre asks says, "I know," Yeah. Can I have your name and badge number now?" PO Latorre says, "I will, but after we have a conversation." says, "I don't need to have a conversation." says, "So why are you hiding it?" PO Latorre says, "I don't need to hide it." There is the sound of metal clinking off screen. says, "You are hiding it, though." PO Latorre says the incident is being recorded. At 03:10, says, "You are hiding it, though." PO Latorre says the incident is being recorded. At 03:10, says, "You are says ays, "Just answer my question." PO Latorre says, "No, that's not how it works. But let me explain something to you." says, "Just answer my question." PO Latorre walks away (Board Review 01).
asked for her name or shield number, nor could she recall if she provided her name or shield number to \$87(2)(6) PO Latorre was wearing her shield on a lanyard around her neck, and it was clearly visible. PO Latorre did not recall calling \$87(2)(6) a bitch. During her CCRB interview, upon reviewing her BWC footage from 00:29 to 00:43, which captures \$87(2)(6) saying, "You didn't give it to me," PO Latorre said she assumed \$87(2)(6) was referring to PO Latorre's name and shield number. PO Latorre then said she believed, but was not certain, that she provided her name and shield number to \$87(2)(6) PO Latorre denied that she hid her shield. She said the clinking sound in the video is the sound of her displaying her shield to \$87(2)(6) Upon reviewing her BWC footage from 03:07 to 03:26, which captures \$87(2)(6) asking PO Latorre why she called her a bitch and PO Latorre responding, "We're going to go there," PO Latorre was asked what she meant by this statement. PO Latorre answered, "I don't remember calling her a bitch."
Sgt. Ortiz stated that he did not hear any profane language from any officers at the scene. PO Wichers stated that he did not remember if PO Latorre called \$87(2)(b) a bitch. PO Wichers did not remember if \$87(2)(b) asked PO Latorre for her name or shield number. He did not observe any officer refuse to provide his or her name or shield number to \$87(2)(b)
§ 87(2)(g)



and/or wallet. He did not remember if \$87(2)(b) told him where these were located. As he entered the car, Sgt. Ortiz shined his flashlight to make sure he did not encounter weapons in any place that was visible because it was dark outside. He did not observe anything in the car that raised his suspicion. PO Latorre and PO Wichers did not see Sgt. Ortiz search the car. During a traffic stop, an officer may enter a vehicle in order to retrieve the vehicle's registration and insurance information when a driver fails to do so and the driver directs the officer as to the whereabouts of this documentation. People v. Pryor, 26 Misc. 3d 997 (2009) (Board Review 20). According to New York Vehicle Traffic Law, Sections 319(3), 401(4), and 507(2), the operator of a motor vehicle must provide his license, registration, and proof of insurance to a police officer upon request. The operator's failure to provide this documentation is presumptive evidence that he is driving without required documentation, an arrestable offense (Board Review 21). Allegation (L) – Discourtesy: Sergeant Bryan Ortiz spoke discourteously to § 87(2)(b) stated that when Sgt. Ortiz handed him his summons, Sgt. Ortiz said, "Stop acting like a hardhead and grow the fuck up." Sgt. Ortiz denied making the alleged discourteous statement and no officer interviewed acknowledged hearing him do so. The BWC footage ends before this part of the incident.



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sgt. Ortiz testified that \$87(2)(b) asked him for his name and shield number and that he verbally provided the requested information to her. Sgt. Ortiz stated that \$87(2)(b) could have taken a photo of his shield if she wanted to. Sgt. Ortiz denied physically preventing her from doing so. He verbally told \$87(2)(b) that she could not take a photo of his shield solely because he was in the midst of an investigation and he was concerned about what she might be reaching for if she took out her phone.
In Sgt. Ortiz's BWC footage, at the 01:05 minute mark of the media player timestamp, visible at the bottom of the screen, says, "I want your name and badge number." Sgt. Ortiz clearly says, "Sergeant Ortiz. That's what you're going to get." says, "Can I see it?" Sgt. Ortiz clearly says, "3482, you heard me? That's all you're getting." says, "Let me take a picture of it." Sgt. Ortiz says, "No, you don't take a picture. 3482. I'm giving it to you. You're being recorded."
Individuals have a right to lawfully record police activity. Members of service cannot threaten, intimidate, or otherwise discourage an observer from recording the police officer's activities. The right to observe and record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual who is recording. NYPD Patrol Guide , Procedure 203-29 (Board Review 22).
§ 87(2)(g)
Allegation (S) – Abuse of Authority: Sergeant Bryan Ortiz threatened to arrest said that Sgt. Ortiz ordered her to produce her identification and NYPD tax registry number. (As previously discussed, earlier in the incident, said she told the officers that she was in the process of becoming a cadet.) said she did not have a tax number because she was not yet a cadet. Sgt. Ortiz said, "Oh, you're lying about being a cadet? You're impersonating an officer?" structure impersonating a cadet." Sgt. Ortiz told structure impersonating a cadet." Sgt. Ortiz told structure impersonating are cadet." Sgt. Ortiz told structure impersonating an arrest you right now."
Sgt. Ortiz acknowledged telling \$\frac{87(2)(0)}{2}\$ he could arrest her for false impersonation of a police officer. In his BWC footage, at the 02:22 minute mark of the media player timestamp, visible at the bottom of the screen, he asks \$\frac{87(2)(0)}{2}\$ for her last name and her tax number, but she says no. Sgt. Ortiz tells her that she is "going to get into an off-duty incident" and "will hear from downtown about this." He asks for her tax number again and she says she does not have it. Sgt. Ortiz asks for her cadet ID, which she says she also does not have. \$\frac{87(2)(0)}{2}\$ says, "I'm in the process of being a cadet." Sgt. Ortiz says, "So you lied to me, telling me you're a cadet?" \$\frac{87(2)(0)}{2}\$ responds, "No, I said I'm in the process of being a cadet, I'm \$\frac{87(2)(0)}{2}\$." Sgt. Ortiz orders her to produce her ID. \$\frac{87(2)(0)}{2}\$ asks if Sgt. Ortiz has a warrant. Sgt. Ortiz says, "I don't need a warrant. I'm going to tell you one more time, or I'm going to arrest you and bring you back to the precinct."
§ 87(2)(g)

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8 or (2)(9)
Allegation (T) – Discourtesy: Sergeant Bryan Ortiz acted discourteously towards [8 87(2)(b)
testified that she handed Sgt. Ortiz her college ID earlier during the incident, and that when she asked for her ID back, Sgt. Ortiz tossed it at her "like a frisbee" so that it landed on her chest
Sgt. Ortiz stated that he handed §87(2)(b) her ID back and that she took it from him; he did not toss it and it did not land on her chest.
In the surveillance footage, at the 13:19 minute mark of the media player timestamp, visible at the bottom of the screen, Sgt. Ortiz hands \$\frac{897(2)(b)}{2}\$ a small item consistent in shape and size with an identification card. She receives it in her hand. At no point is Sgt. Ortiz captured throwing or tossing anything at \$\frac{87(2)(b)}{2}\$
§ 87(2)(g)
§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which either \$87(2)(b) or \$87(2)(b) have been a party (**Board Review 24**).
- Sgt. Ortiz has been a member of the NYPD for 12 years. He has been a subject in six

additional complaints, totaling 12 allegations, one of which was substantiated.

- Case 201500811 involved a substantiated threat of arrest allegation. The Board recommended formalized training, which the NYPD imposed.
- § 87(2)(g)
- PO Latorre has been a member of the NYPD for eight years. She has been a subject in one additional complaint, totaling one allegation, which was substantiated.
 - Case 201501953 involved a substantiated stop allegation. She was found guilty at APU trial. It was recommended she forfeit two days of vacation, which the NYPD imposed.
 - § 87(2)(g)
- PO Wichers has been a member of the NYPD for five years. He has been a subject in four additional complaints, totaling seven allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

- \$87(2)(b) and \$87(2)(b) declined to mediate this complaint.
- As of March 5, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**Board Review 25**).

of Claim being filed regarding this incident (Board Review 25). • [§ 87(2)(b)] [§\$ 86(1)(3)&(4)] [§ 87(2)(c)]				
Squad No.:	<u>13</u>			
Investigator:	Madeleine Ayer Signature	Madeleine Ayer Print Title & Name	<u>5/19/2020</u> Date	
Squad Leader:	IM Laura Kastner Signature	IM Laura Kastner Print Title & Name	05/20/2020 Date	